

REMARKS

In the Office Action dated July 7, 2004, claims 1-15 were presented for examination. Claims 1-10 and 12-15 were rejected under 35 U.S.C. §102(e) as being anticipated by *Ohlund*, U.S. Patent No. 6,233,971. Claim 11 was rejected as being unpatentable over *Ohlund*, U.S. Patent No. 6,122,933, in view of *Glatter*, U.S. Patent No. 4,456,645.

Applicants wish to thank the Examiner for the careful and thorough review and action on the merits in this application. The following remarks are provided in support of the pending claims and responsive to the Office Action of November 4, 2002 for the pending application.

On October 5, 2004, Examiner Ho and Applicant's Attorney met for an Examiner's Interview. During the interview, Applicant's Attorney presented the Examiner with samples of Applicant's product, as well as a sample of the *Ohlund* '971 product. The features of Applicant's medallion were discussed in detail. It was agreed by the parties present that Applicants would further define the invention in independent claims 1 and 6 to overcome the art of record by including details of the modified medallion. In addition, claim 12 was discussed regarding the difference in the structure of the surface mount LED, as claimed by Applicant, and the bullet mount LED, as used in the prior art. It was agreed by both the Examiner and Applicant's Attorney, that the *Ohlund* '971 patent does not include all of the limitations present in claim 12. In view of the discussions pertaining to the medallion and the pending claims, it was agreed that independent claims 1 and 6 would be amended to overcome the prior art of record.

In the Office Action of July 7, 2004, the Examiner indicated that the Applicant should not discuss the prior art of record without submission of an Information Disclosure Statement. Upon review of PTO Form 892 received in conjunction with the Office Action, it appears that all of the prior art that Applicant has knowledge of has been cited therein. Accordingly, there is no basis at this time for Applicant to submit an Information Disclosure Statement.

In the Office Action of July 7, 2004, the Examiner assigned to the application rejected claims 1-10 and 12-15 under 35 U.S.C. §102(e) as being anticipated by *Ohlund*, U.S. Patent No. 6,233,971.

Ohlund discloses a piece of jewelry with an elongated conducting wire and an ornamental crystal. The ornamental crystal has a "housing 18" mounted on an exterior surface of the crystal. The housing includes a cavity with a light emitting diode therein. "The transparent ornamental crystal 20 has one end 20a adjacent this window 18a and is glued, or otherwise fastened, to the housing 18." This mounting of the light emitting diode is known in the art as a bullet mounted light emitting diode. The bullet mount light emitting diode as taught in *Ohlund* operates at a higher voltage than a surface mounted light emitting diode and illuminates an adjacent object from an exterior surface thereof. Accordingly, the *Ohlund* patent discloses a jewelry item adapted to be illuminated from a light emitting diode mounted to a housing secured to an exterior surface of an ornament.

In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)). As mentioned above, *Ohlund* does not show all of the elements as claimed by Applicant in amended claims 1 and 6, and new claim 16. Specifically, *Ohlund* does not show a medallion consisting of a unitary item with a transparent or translucent property. Accordingly, *Ohlund* fails to teach all the claim limitations present in Applicant's claimed invention.

In the Office Action of July 7, 2004, the Examiner assigned to the application rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over *Ohlund* ('971) in combination with *Glatter*, U.S. Patent No. 4,459,645. The comments pertaining to *Ohlund* above are hereby incorporated. *Glatter* ('645) relates to a piece of jewelry in the form of an earring that is illuminated by means of an LED. As noted by the Examiner in the Interview Summary, the

amendment to claims 1 and 6 should overcome the art of record. Since claim 11 is a dependent claim, and the language of amended claims 1 and 6 were indicated as allowable of the prior art of record to date, it is submitted, that claim 11 should be allowable as it is based on an allowable claim.

In view of the forgoing amendments and remarks, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

By: 

Rochelle Lieberman
Registration No. 39,276
Attorney for Applicant

Lieberman & Brandsdorfer, LLC
12221 McDonald Chapel Drive
Gaithersburg, MD 20878-2252
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

Date: October 7, 2004